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#Practice Limited to
Federal Agencies

October 28, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2685

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 09/770,675; Filed: January 29, 2001
For: Wireless and Wired Cable Modem Applications of Universal Frequency Translation Technology

Inventor: David SORRELLS
Our Ref: 1744.0140005

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fifth Supplemental Information Disclosure Statement;
2. Form PTO-1449 (2 pages) citing 8 documents; and
3. Return postcard.

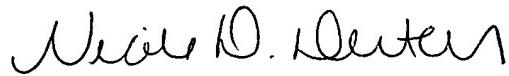
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 28, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Nicole D. Dretar
Attorney for Applicant
Registration No. 54,076

MQL/NDD:krc
Enclosures

459011_1.DOC



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sorrells *et al.*

Appl. No.: 09/770,675

Filed: January 29, 2001

For: **Wireless and Wired Cable Modem
Applications of Universal
Frequency Translation Technology**

Confirmation No.: 5430

Art Unit: 2685

Examiner: Tran, Pablo N.

Atty. Docket: 1744.0140005

Fifth Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on October 3, 2005 in connection with the above-captioned application.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Applicants provide the following comments regarding the documents:

Documents AH68, AI68, and AA69 were cited in a Notice of Allowance in related U.S. Patent Application No. 10/359,636, filed February 7, 2003, entitled "Integrated Frequency Translation and Selectivity," directed to related subject matter. Also cited in said Office Action were U.S. Patent Nos. 5,126,682; 5,926,054; 6,049,706; 6,421,534; and 6,560,301, which have already been cited in the present application.

Documents AB69-AF69 were cited in an Office Action in related U.S. Patent Application No. 10/197,255; filed July 18, 2002, entitled "Networking Methods and Systems," directed to related subject matter. Also cited in said Office Action was U.S. Patent No. 6,850,742, which has already been cited in the present application.

This statement should not be construed as a representation that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below:

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our PTO-2038 Credit Card Payment Form in the amount of _____ in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance.
1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3):

7. In accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents cited on the attached Form PTO-1449 are not enclosed.
8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9. It is expected that the examiner will review the prosecution and cited art in the parent application no. _____, in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 10/28/2005

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456939_1.DOC



| FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT | | | ATTY. DOCKET NO. 1744.0140005 | | APPLICATION NO. 09/770,675 | | |
|---|-----------|-----------------|---|-----------------------|-------------------------------|-----------|-------------|
| | | | FIRST NAMED INVENTOR David F. SORRELLS | | | | |
| | | | FILING DATE January 29, 2001 | | ART UNIT 2685 | | |
| | | | U.S. PATENT DOCUMENTS | | | | |
| EXAMINER INITIAL | DOC. REF. | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| . | AD | | | | | | |
| . | AE | | | | | | |
| . | AF | | | | | | |
| . | AG | | | | | | |
| | AH68 | 5,787,125 | 07/1998 | Mittel | | | |
| | AI68 | 5,878,088 | 03/1999 | Knutson <i>et al.</i> | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | DOC. REF. | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
| . | AJ | | | | | | Yes No |
| . | AK | | | | | | Yes No |
| . | AL | | | | | | Yes No |
| . | AM | | | | | | Yes No |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.) | | | | | | | |
| EXAMINER INITIAL | DOC. REF. | CITATION | | | | | |
| | AN | | | | | | |
| | AO | | | | | | |
| | AP | | | | | | |
| | AQ | | | | | | |
| | AR | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | | | | | |



FORM PTO-1449
**FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

| | |
|---|-------------------------------|
| ATTY. DOCKET NO. 1744.0140005 | APPLICATION NO. 09/770,675 |
| FIRST NAMED INVENTOR David F. SORRELLS | |
| FILING DATE January 29, 2001 | ART UNIT 2685 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOC. REF. | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|------------------|-----------|-----------------|---------|-------------------|-------|-----------|-------------|
| | AA69 | 6,215,828 B1 | 04/2001 | Signell et al. | | | |
| | AB69 | 5,703,584 | 12/1997 | Hill | | | |
| | AC69 | 5,887,001 | 03/1999 | Russell | | | |
| | AD69 | 6,298,065 B1 | 10/2001 | Dombkowski et al. | | | |
| | AE69 | 2002/0080728 A1 | 06/2002 | Sugar et al. | | | |
| | AF69 | 2002/0163921 A1 | 11/2002 | Ethridge et al. | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOC. REF. | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|------------------|-----------|-----------------|------|---------|-------|-----------|-------------|
| | AJ | | | | | | Yes No |
| | AK | | | | | | Yes No |
| | AL | | | | | | Yes No |
| | AM | | | | | | Yes No |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

| EXAMINER INITIAL | DOC. REF. | CITATION |
|------------------|-----------|----------|
| | AN | |
| | AO | |
| | AP | |
| | AQ | |
| | AR | |

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|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
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